

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No: 1:15-CV-274

SYNGENTA CROP PROTECTION, LLC,)

Plaintiff,)

v.)

NOTICE OF CROSS APPEAL

WILLOWOOD, LLC, WILLOWOOD USA,)

LLC, WILLOWOOD AZOXYSTROBIN,)

LLC, and WILLOWOOD LIMITED,)

Defendants.)

Notice is given that Defendants, Willowood, LLC, Willowood U.S.A., LLC, Willowood Azoxystrobin, LLC and Willowood Limited (collectively, “Willowood”), by their undersigned counsel, and pursuant to Federal Rule of Appellate Procedure 4(a), hereby appeal to the United States Court of Appeals for the Federal Circuit from some or all of the following orders: (i) the Order denying Willowood Limited’s motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2) entered October 14, 2015 (Dkt. 32); (ii) the Order granting Syngenta’s motion to exclude Willowood’s expert’s opinion regarding invalidity of the ‘138 patent entered March 24, 2017 (Dkt. 141); (iii) the Order denying Willowood’s motion for summary judgment regarding the ‘761 patent and granting Syngenta’s request to shift the burden of proof under 35 U.S.C. § 295 to Willowood to prove non-infringement of the ‘761 patent entered March 24, 2017 (Dkt. 141); (iv) the Order denying Willowood’s motion to exclude the opinions of Syngenta’s damages expert, Dr. Benjamin Wilner, as to Syngenta’s alleged lost profits for

infringement of the Compound Patents dated June 19, 2017 as further explained on July 20, 2017 (Dkt. 202 & 265); (v) the Order denying Willowood's motions *in limine* nos. 2 (regarding the admissibility of evidence regarding Willowood's alleged copying of labels), 3 (regarding the admissibility of analytical testing performed by CAC Chemical), and 4 (regarding the admissibility of third-party reports of azoxystrobin product pricing) entered on July 28, 2017 (Dkt. 272); (vi) the Order prohibiting Willowood from offering certain witnesses and documents at trial entered August 2, 2017 (Dkt. 278); (vii) the Order excluding certain trial exhibits dated September 1, 2017 (Dkt. 306); (viii) the Order granting Syngenta's motion for a permanent injunction and denying Willowood's motion to sell azoxystrobin imported into the United States before the jury's verdict entered November 20, 2017 (Dkt. 352 & 353); (ix) the Order issued at trial denying Willowood's motion for judgment as to validity of the '761 patent; and (x) all other orders, rulings, findings and conclusions against Willowood, whether entered at trial or otherwise.

This, the 19th day of February, 2018.

/s/ L. Cooper Harrell

Alan W. Duncan
N.C. State Bar No. 8736
L. Cooper Harrell
N.C. State Bar No. 27875
MULLINS DUNCAN HARRELL &
RUSSELL PLLC
300 North Greene Street, Suite 2000
Greensboro, NC 27401
Telephone: 336-645-3320
Facsimile: 336-645-3330
aduncan@mullinsduncan.com
charrell@mullinsduncan.com

/s/ Barry S. Neuman

Barry S. Neuman
WHITEFORD TAYLOR PRESTON LLP
1800 M Street NW, Suite 450N
Washington, DC 20036
Telephone: 202.659.6761
Facsimile: 202.327.6151
bneuman@wtplaw.com

/s/ Steven E. Tiller

Steven E. Tiller
Peter J. Davis
WHITEFORD TAYLOR PRESTON LLP
7 Saint Paul Street
Baltimore, MD 21202
Telephone: 410.347.8738
Facsimile: 410.223.4304
stiller@wtplaw.com
pdavis@wtplaw.com

Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document has been filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record in this action.

This, the 19th day of February, 2018.

/s/ L. Cooper Harrell

L. Cooper Harrell